



File Code: 2810

Date: November 9, 2011

## Tomichi Moly Mail List

Dear Reader:

Attached to this memo/email is a copy of my decision for the proposed Plan of Operations (PoO) for drilling by Tomichi Resources, LLC, in the area near Whitepine, Colorado. The decision is documented in a Decision Memo (DM), the required document for a decision falling under a Categorical Exclusion (CE), per regulations at 36 CFR 220. I explain in the DM the decision, my rationale for the decision, and the basis for the use of a CE.

The first thing I wish to address is the misconception by many that we are approving a mining operation. All that is proposed, and all that is being approved, is drilling 9 drill holes, using a track mounted drill rig (about the size of an excavator) in existing roads. No new disturbance is proposed. While Tomichi Resources certainly may propose additional operations on their claims in the future, no such proposal is being considered at this time.

I am very well aware of the concern of local residents and property owners in the Whitepine area over the possible effects of any operations on their environment. I have given full consideration to comments we have received, and I have, within the limits of my authority, imposed restrictions on the plan I thought were reasonable and necessary to protect the environment.

I have attempted, in writing the DM, to make clear the legal requirements under which this decision is made, and the extent/limitation on my authority. Unpatented mining claims are a possessory interest, which brings certain rights held by the claim owner. My authority in this matter extends only to imposing reasonable requirements for environmental protection. Denying this request is not within my authority.

Many commentors argued that an Environmental Assessment (EA) should be prepared. However, as I discuss in more detail in the DM, this is precisely the type of activity envisioned by the list of potential categories to exclude from an EA or EIS, found at 36 CFR 220.6. To require an EA would actually infringe on the rights of the claim owners and would unnecessarily perpetuate the controversy.

This does not minimize the environmental analysis that was devoted to this decision. An Interdisciplinary Team (IDT) reviewed the proposed PoO in detail. All team members made one or more trips to the project area. Some resource specialists documented findings in reports more detailed than what is generally prepared for an EA. On the basis of discussion among the IDT, possible restrictions to protect the environment were formulated and decided upon.

We are convinced that we have operated within our legal bounds, and that the implementation of this project will have minimal impact to the environment. If you have any questions, or concerns as the project is implemented please call.

Sincerely,

/s/ John R. Murphy  
JOHN R. MURPHY  
District Ranger

Attachments (1)



